**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO.1634 OF 2007**
**IN**
APPEAL (L) NO.405 OF 2007
IN
NOTICE OF MOTION NO.3486 OF 2006
IN
SUIT NO.2900 OF 2006

Pandu Dasu Shetty & Anr. .. Appellants
V/s
M/s.Motiram Tolaram & Ors. .. Respondents

Mr.S.V.Sadavarte for the Appellants.
None for Respondents.

**CORAM : DR.S.RADHAKRISHNAN, &**
**R.S.MOHITE, JJ.**

**DATE : 21st November, 2007.**

**P.C.:**

1. Heard the learned Counsel for the Appellants. None appears for the Respodnents though served. The learned Counsel for the Appellants undertakes to file an affidavit of service within a period of one week from today.

2. By this Notice of Motion the Appellants are seeking condonation of 108 days delay caused in filing the Appeal. Perused the affidavit in support of the Notice of Motion. For the reasons stated therein sufficient cause is made out for condonation of delay. There is no case of inaction, negligence or want of bonafide on the part of the Appellants. Hence, Notice of Motion is made absolute in terms of prayer clause (a).

**(R.S.MOHITE, J.)** **(DR.S.RADHAKRISHNAN, J.)**